

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

8 UNITED STATES OF AMERICA,  
9 Plaintiff,  
10 vs.  
11 WILLIAM A. HIRST,  
12 Defendant.

Case No: CR 11-0157 SBA

Docket 56, 57

The parties are presently before the Court on the Government's motion in limine regarding Defendant's anticipated defenses. Dkt. 56. Also before the Court is the Defendant's motion in limine to exclude testimony of two Government witnesses. Dkt. 57. Having read and considered the papers filed in connection with these matters, and having considered the arguments made by counsel at the December 26, 2012 hearing, the Court enters the following rulings.

With respect to the Government's motion in limine, which seeks to preclude the Defendant from presenting at trial certain "evidence" or legal arguments that are irrelevant and would confuse the jury, the motion is **GRANTED IN PART AND DENIED IN PART**. The motion is granted to the extent it seeks to preclude the Defendant from introducing evidence or presenting argument regarding punishment. "It has long been the law that it is inappropriate for a jury to consider or be informed of the consequences of their verdict." United States v. Frank, 956 F.2d 872, 879 (9th Cir. 1992). The Government's motion in limine is denied in all other respects for the reasons stated on the record at the hearing.

1       With respect to the Defendant's motion in limine, which seeks an order excluding  
2 any and all testimony of two of the Government's witnesses, the motion is GRANTED IN  
3 PART AND DENIED IN PART. The motion is granted to the extent it seeks to exclude  
4 the testimony of a California State Bar Representative. On December 24, 2012, the  
5 Government filed a statement of non-opposition, which states that the Government "does  
6 not intend to call a representative of the California State Bar as a witness and does not  
7 oppose Defendant's . . . motion in limine to exclude the testimony of a representative of the  
8 California State Bar." Dkt. 70. The Defendant's motion in limine is denied to the extent it  
9 seeks to exclude the rebuttal testimony of a representative of the California Secretary of  
10 State for the reasons stated on the record at the hearing.

11       This Order terminates Docket 56 and Docket 57.

12       IT IS SO ORDERED.

13 Dated: 12/26/12

  
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SAUNDRA BROWN ARMSTRONG  
United States District Judge

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